

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

SUITS – Land Acquisition – PABR – Lands acquired at Jayapuram Village, Kudair Mandal in Ananthapur District for foreshore submersion of PABR Dam– O.P.No.4 of 1998 on the file of the Pri.Sr.Civil Judge, Ananthapur disposed off – Market value enhanced – Depositing of decretal amount in the Lower Court – Budget sanctioned- Orders – Issued.

IRRIGATION & CAD(PW.LA.II)DEPARTMENT

G.O.RT.No.89

Date:09-02-2009

Read the following:-

- 1.From the District Collector, Ananthapur Lr.Rc.No.G2/1720/2008, dated 14-3-2008.
2. From the Spl.C.S. to Govt. and CCLA, Hyderabad Lr.No. G4/357/2008, dated 6-12-2008.

O R D E R:

The District Collector, Kurnool in his letter first read above has reported that the Lands in S.No.78-2 etc. Extent 9.99 cents of Jayapuram village of Kudair Mandal of Ananthapur District were acquired for foreshore submersion of PABR in Award No.35/95 dated 19-12-95. The Special Deputy Collector has fixed land value at Rs.22,000/- per acre in Group I lands and at Rs.500/- per acre in Group-III lands. The compensation amount of Rs.2,69,629/- including tree value & structure value) was paid to the awardees. Aggrieved the market value fixed by the Land Acquisition Officer, the claimants have received the compensation under protest and requested the Land Acquisition Officer to refer the matter to Civil Court U/s.18 of the L.A.Act. The Hon'ble Civil Court in its orders dated 31-12-2004 in O.P.No.4/98 has enhancing the land value from Rs.22,000/- to Rs.28,000/- per acre in Group-I lands for an extent of 0.30 cents and also directed to pay Solatium at 30% and Addl. Market value at 12% from the date of 4(1) Notification till the date of award on the enhanced market value and also interest on aggregate of the said amounts at 9% p.a for one year from the date of award i.e. 30-12-96 and there after at 15% p.a., till the date of payment . In theses circumstances, the District Collector, Kurnool has submitted proposals to Government for release of decretal charges in O.P.No.4/98 and to avoid further legal complications.

2. The Chief Commissioner of Land Administration, Hyderabad in his letter second read above has informed that the Commissioner, Legal Affairs has opined that, the orders of the Reference Court is 31-12-2004. No appeal is preferred basing on opinion given by the Government Pleader. At present appeal is time barred. Even other wise the enhancement is not on high side. In view of the opinion of Commissioner, Legal Affairs; CCLA, Hyderabad has sent the District Collector, Ananthapur proposal to the Govt. for sanction of decretal charges for an amount of Rs.61,438/- in O.P.No.4/98.

3. In the circumstances reported by the Dist. Collector, Ananthapur in the references 1st read above and in view of the report of Special Chief Secretary to Government and Chief Commissioner of Land Administration, Hyderabad thereon in the references 2nd read above and Government after careful examination of the matter hereby accord sanction for an amount of Rs.61,438/- (Rupees sixty one thousand four hundred and thirty eight only) towards decretal charges to be deposited in the Lower Court to the credit of OP No.4 of 1998 pertaining to Jayapuram Village, Kudair Mandal in Ananthapur District in connection with the lands acquired in the above said village for foreshore submersion of PABR Dam.

P.T.O.

4. The District Collector, Ananthapur is, directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the Land Acquisition Officer once again at his level and also verify the decrees and decretal charges if any, already paid. He is also directed to follow the directions of Hon'ble High Court dated 30-4-2007 in WP No.2181/2005 in depositing the above sanctioned decretal amount in the respective court.

5 The amount sanctioned in para (1) above shall be debited to the detailed Head of Account "4701 –COL on Major and Medium Irrigation; 01 – Major Irrigation (Commercial); MH 104TBP HLC Stage-II; G.H. 11- Normal State Plan; S.H. (27) Canals and Distributaries; 530 Major Works; 532 – Lands (charged)".

6. This order issues with the concurrence of Finance(W&P) Department vide their U.O.No.57/F5/A1/2009-1, dated 17-01-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA,
SECRETARY TO GOVERNMENT.

To
The District Collector, Ananthapur.
The Special Chief Secretary to Govt. & Chief Commissioner of Land Administration, Hyderabad
The Engineer-in-Chief, Irrigation, Errumanzil, Hyderabad
The Special Deputy.Collector, (LA),HLC, Ananthapur.
The Accountant General, AP, Hyderabad
The Director of Works Accounts, Hyderabad.
The District Treasury officer, Ananthapur
The Joint Director, Works & Accounts TGP Cuddapah,
The Pay & Accounts Officer, Ananthapur
Copy to
The PS to Minister (Major Irrigation)
The P.S. to Secretary(Irrigation&CAD),
The Law Department
The Finance(Works & Projects)Department,
SF/SCs

//FORWARDED BY ORDER//

SECTION OFFICER.